

ENVIRONMENTAL PROTECTION COMMISSION[567]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 455B.103(5), the Environmental Protection Commission hereby gives Notice of Intended Action to adopt Chapter 35, "Air Emissions Reduction Assistance Program," Iowa Administrative Code.

The purpose of this chapter is to establish a financial assistance program to distribute funds appropriated to Iowa through the federal American Recovery and Reinvestment Act of 2009 (Act). The funds will be distributed to eligible applicants through grants or a combination of grants and loans. The program addresses emissions from diesel vehicles and equipment currently used for on-road applications, such as buses and heavy-duty diesel trucks, and non-road applications, such as construction, agriculture, or mining. Eligible projects include engine idling reduction and retrofit technologies, engine replacement, vehicle replacement, and use of clean diesel emerging technologies.

There is an expedited time line for distribution of federal funds to eligible applicants. The Commission is proceeding with these rules in an expedited manner to meet the time line requirements of Section 701 of the federal Act. According to the provision of Section 701, U.S. EPA must report the details of the programs to Congress by mid-May 2009. Disbursement of funds is anticipated to be required shortly after approval of the programs. Guidelines for the financial assistance program and application forms will be posted on the DNR's Web site.

Any person may make written suggestions or comments on the proposed rules on or before May 12, 2009. Written comments should be directed to Wendy Rains, Department of Natural Resources, Air Quality Bureau, 7900 Hickman Road, Suite 1, Urbandale, Iowa 50322; fax (515)224-5094; or by electronic mail to wendy.rains@dnr.iowa.gov.

A public hearing will be held on May 11, 2009, at 10 a.m. in the conference rooms at the Department's Air Quality Bureau office located at 7900 Hickman Road, Urbandale, Iowa. At the public hearing, comments on the proposed rules may be submitted orally or in writing. All comments must be received no later than May 12, 2009.

Any person who intends to attend the public hearing and has special requirements, such as those related to hearing or mobility impairments, should contact Wendy Rains at (515)281-6061 to advise of any specific needs.

These rules were also Adopted and Filed Without Notice and are published herein as **ARC 7679B**. The content of that submission is incorporated by reference.

These rules are intended to implement Iowa Code section 455B.103(5).